

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THOMAS WILLIAM SINCLAIR RICHEY,

Petitioner,

v.

SANDRA DIMMEL,

Respondent.

CASE NO. C13-5687 RBL-JRC

ORDER TO FILE AN AMENDED
PETITION

The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge, J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner seeks relief from a state court decision denying him appointment of counsel and he asks this Court to grant him in forma pauperis status (ECF No. 1).

The Court has reviewed the proposed petition and motion to proceed in forma pauperis (ECF No. 1). Petitioner does not inform the Court if he is challenging a state conviction; nor does he inform the Court what year he was convicted (ECF No. 1, proposed petition). The Court notes that the Washington State Superior Court dismissed petitioner's state personal restraint

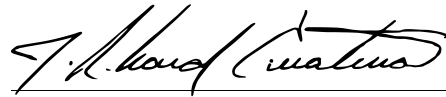
1 petition as time barred (ECF No 1). Petition has not informed the Court of the nature of his state
2 personal restraint petition. Further, the Court takes judicial notice of its own records and notes
3 that petitioner has been incarcerated and litigating since 1989, *see* 89-CV- 0295JET *Richey v*
4 *State of Washington*. Petitioner is attempting to file the petition pursuant to 28 U.S.C. § 2254.
5 There is a one-year statute of limitations for such an action. *See* 28 U.S.C. 2244(d)

6 The Court also notes that petitioner challenges a decision to deny him appointment of
7 counsel under state law, RCW 10.75.150(1) (ECF No. 1). Habeas corpus relief is not
8 available for errors of state law. Federal courts may intervene in the state judicial process
9 only to correct wrongs of a constitutional dimension. *Engle v. Isaac*, 456 U.S. 107, 119
10 (1983). 28 U.S.C. § 2254 explicitly states that a federal court may entertain an application
11 for writ of habeas corpus “only on the ground that [petitioner] is in custody in violation of the
12 constitution or law or treaties of the United States.” 28 U.S.C. § 2254(a). The Supreme
13 Court has stated that federal habeas corpus relief does not lie for mere errors of state law.
14 *Estelle v. McGuire*, 502 U.S. 62, 67 (1991); *Lewis v. Jeffers*, 497 U.S. 764, 780 (1990);
15 *Pulley v. Harris*, 465 U.S. 37, 41 (1984).

16 The Court orders petitioner to provide the Court with more information and amend his
17 petition to include information about the conviction or convictions he was attempting to
18 challenge in his state court proceedings and to include information about how long he has been
19 incarcerated on this conviction or convictions. Petitioner must inform the Court of the year of his
20 conviction and what charges he was convicted of committing. Petitioner must also inform the
21 Court if his state court proceedings were a direct appeal after conviction or a collateral challenge.
22 Finally, petitioner must inform the Court why he believes that his conviction violates the
23 constitution or law or treaties of the United States.
24

1 The Petitioner's amended petition will be due on or before September 27, 2013. The
2 Court will take no action on petitioner's motion to proceed in forma pauperis until it has
3 reviewed the amended petition.

4 Dated this 28th day of August, 2013.

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7 J. Richard Creatura
8 United States Magistrate Judge
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